

OCTOBER TERM 2026

CASE NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

ZACHARY HOLLY,

Petitioner,

v.

STATE OF ARKANSAS,

Respondent.

**APPLICATION FOR EXTENSION OF TIME
TO FILE A PETITION FOR WRIT OF CERTIORARI TO THE
SUPREME COURT OF ARKANSAS**

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Dated: August 21, 2026

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TO THE HONORABLE BRETT M. KAVANAUGH, Circuit Justice for the
United States Court of Appeals for the Eighth Circuit:

1. Pursuant to Rule 13.5 of the Rules of this Court, Petitioner Zachary Holly, through undersigned counsel, respectfully moves for an extension of sixty (60) days to prepare and file a Petition for Writ of Certiorari to the Supreme Court of Arkansas.

2. Petitioner seeks certiorari review of the Arkansas Supreme Court's opinion and judgment affirming the judgment of the Circuit Court of Benton

County, which denied Mr. Holly's petition for post-conviction relief pursuant to Ark. R. Crim. P. 37.

3. The Arkansas Supreme Court issued its opinion on April 16, 2026, and it denied Petitioner's timely petition for rehearing on June 4, 2026. Copies of the Arkansas Supreme Court's opinion and order denying rehearing are attached as Appendices A and B, respectively.

4. Petitioner invokes the jurisdiction of this Court pursuant to 28 U.S.C. § 1257(a). Petitioner's certiorari petition is currently due on September 2, 2026. *See* Sup. Ct. R. 13.1, 13.3. In accordance with this Court's rules, Petitioner makes this request at least ten (10) days in advance of the current due date. *See* Sup. Ct. R. 13.5.

5. Petitioner's case presents an important question: whether, in order to obtain relief under *McCoy v. Louisiana*, 584 U.S. 414 (2018), a criminal defendant himself must contemporaneously object when trial counsel concedes the defendant's guilt without having first consulted and advised the defendant about counsel's intent to do so. Petitioner requests additional time to present the issue fully but concisely to this Court.

6. Petitioner also requests additional time in light of counsels' competing professional obligations. For attorney Anne Fisher, those obligations include *Dennis Johnson v. Scott Nickelson*, No. 15-4965 (E.D. Pa.; evidentiary hearing

scheduled for Aug. 27, 2026), and *Commonwealth v. Abraham Sanchez*, 110 MDA 2026 (Pa. Super.; merits brief due Sept. 18, 2026). Attorney Lee Short has faced, and continues to face, similar obligations, including *State of Arkansas v. Vance Brown*, No. 46CR-23-11 (Circuit Court of Miller County, Ark.; capital murder retrial scheduled to begin Aug. 31, 2026); *State of Arkansas v. William Martineau*, No. 60CR-25-2234 (Circuit Court of Pulaski County, Ark.; counsel appeared for trial on three counts of capital murder on July 21, 2026, but State obtained a last-minute continuance); *State of Arkansas v. Chunston Rance*, No. 52CR-25-189 (Circuit Court of Ouachita County, Ark.; parties reached a negotiated settlement four days before the scheduled trial date of Aug. 4, 2026); and *State of Arkansas v. Scotty Gardner*, 23CR-16-194 (Circuit Court of Faulkner County, Ark.) (week-long capital post-conviction hearing to begin Aug. 24, 2026).

WHEREFORE, Petitioner prays that the Court allow a sixty-day extension of time for the preparation and filing of his Petition for Writ of Certiorari to the Supreme Court of Arkansas, so that said petition would be due for filing on or before November 2, 2026.

Respectfully submitted,

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Dated: August 21, 2026